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Agenda item 11

**Draft regulations for exploitation of mineral resources
in the Area**

Suggestions for facilitating the work of the International Seabed Authority

Submitted by the delegation of Germany

I. Introduction

1. The Federal Republic of Germany welcomes the ongoing work conducted by the Secretary-General and the secretariat, the Legal and Technical Commission and the Finance Committee. With this in mind, in view of the increasing workload of those bodies and of the crucial importance of current as well as future deliberations within the International Seabed Authority, Germany would like to offer some ideas on the following three topics:

- (a) Preparation of Council and Assembly sessions;
- (b) Communication;
- (c) Further ideas to facilitate the work of the Authority.

2. In that context, key issues include a smooth workflow, transparency and greater involvement of States parties. The following considerations are not exhaustive and are meant to stimulate a discussion in the Council.

II. Preparation of Council and Assembly sessions

3. In order to facilitate the efficient preparation of Council sessions, the Secretary-General should ensure that Council members, observers and stakeholders are provided with revised versions of the draft regulations and other relevant documents well in advance of scheduled meetings with a view to allowing sufficient time to:

- (a) consider new or revised drafts;
- (b) consult with relevant national authorities; and
- (c) have the opportunity to submit written comments.



4. The Council and the Assembly should, in close consultation with the Secretary-General and the secretariat, consider setting binding deadlines for the distribution of official documents before the beginning of each Council session.
5. In the time-consuming event of drafts needing to be translated into all the official languages of the United Nations, the Secretary-General is encouraged to circulate the English version in advance.
6. As documents of the Authority become more and more complex, documents submitted to the Assembly or the Council would benefit from a harmonized structure, which might include a summary and requested actions.
7. The provision of annotated agendas prior to Council and Assembly sessions is highly welcome. Efforts made by the Secretary-General in this regard are very much appreciated.

III. Communication

8. The commitment by the secretariat to constantly updating the website of the Authority and providing to States parties as much information as is feasible early on is highly appreciated.
9. However, the flow of information from the Authority to Council members, observers and stakeholders could be further improved.
10. Providing illustrations of the overall workflow, the various steps of the process and the planning of meetings could greatly facilitate the efficient preparation by States parties for Council and Assembly sessions. The Commission provided an example of a timeline in the annex to document ISBA/23/C/13, which could be further developed.
11. With regard to the interim periods between sessions of the Council, the secretariat could, in close consultation with the Commission, communicate at the end of each session a preliminary timeline that would: (a) describe the sequence of relevant events and meetings for the subsequent interim period, such as scheduled meetings of the Commission as well as their relevant internal deadlines; (b) provide a list of actions and related deadlines for the interim period, if applicable; and (c) outline, as far as possible, the structure of deliberations for the following Council session.
12. Such a communication would greatly facilitate internal discussions and consultations with and among national authorities as well as political decision-making at the national level in preparation for the following Council session, and would, at the same time, increase the transparency of ongoing processes within the Authority.
13. In the light of rule 6 of the rules of procedure of the Commission, the Commission is encouraged to make more frequent use of the option of holding open meetings, or meetings that are partly open, when issues of general interest to members of the Authority, which do not involve the discussion of confidential information, are being discussed.
14. With regard to the organization of workshops, it is suggested that Council members, observers and registered stakeholders obtain a list of all forthcoming workshops, preferably updated on a biannual basis. Workshops play an instrumental role in complementing our joint efforts in Kingston, thus highlighting the importance of open and transparent communication in this regard. Furthermore, the results of the workshops should be made publicly available as soon as possible following the events.

IV. Further ideas to facilitate the work of the Authority

15. In the light of the various challenging tasks currently faced by the Authority and its organs, as established by the United Nations Convention on the Law of the Sea and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, the provision of further assistance and support to the Authority has been considered.

16. In the recent past, external experts have provided valuable input to deliberations within the Authority, such as Richard Roth in his presentation entitled "Understanding the economics of seabed mining for polymetallic nodules". Such external opinions, which are commissioned in specific fields of expertise, contracted following proper calls for tender and governed by specific questions gathered by the secretariat, in close consultation with the Commission, the Finance Committee or the Council, as relevant, and subsequently presented and discussed in Council sessions, allow for a transparent and open debate on the basis of scientifically sound expertise.

17. In this regard, the Council should explore whether external expert opinions that meet the criteria mentioned above could be commissioned more extensively in future to assist the Commission, the Finance Committee and the Council. Such opinions could, for example, address environmental, commercial and technological questions, but might also provide ideas on more general topics, such as the application of the common heritage principle.

18. Furthermore, in the light of the ever-increasing workload of the Commission and the limited number of experts in certain fields, the Council is encouraged, in consultation with the Commission, to consider the establishment of an informal ad hoc working group for specific thematic fields, notwithstanding the provisions stipulated in the Convention and the Implementation Agreement.

19. Similarly, the Council could explore whether intersessional correspondence groups need to be established to assist the Authority with regard to specific topics or tasks.